



LICENCE TO SUCCEED

Annual Report 2010–2011

Office of the
fairness
commissioner

Bureau du
commissaire à
l'équité



 Ontario

WHAT IS THE OFFICE OF THE FAIRNESS COMMISSIONER?

The Office of the Fairness Commissioner (OFC) was created by the Fair Access to Regulated Professions Act, 2006, to ensure that everyone who is qualified to practise in a profession that is regulated in Ontario can get a licence to practise here. This need arose because some professionals, particularly those trained outside of Ontario, were encountering unnecessary obstacles.

The OFC works with the regulatory bodies that oversee the regulated professions, to ensure that their licensing* processes are transparent, objective, impartial and fair. Ultimately, the OFC's goal is to ensure that anyone qualified in a regulated profession who wishes to practise in Ontario is not prevented from doing so by an unduly complex, costly or time-consuming licensing system.

CONTINUOUS IMPROVEMENT

As of March 2011, the OFC's primary focus is implementing a **continuous improvement strategy**.

Central to this strategy is assessment. The OFC will assess regulatory bodies' licensing practices in a two-year cycle that includes recommending improvements where needed and monitoring the bodies' action plans that address the OFC's concerns.

The assessments will be based on two guides, for health and non-health professions. The OFC developed these guides with input from regulatory bodies and qualifications assessment agencies.

The continuous improvement strategy builds on the OFC's previous research and activities, which have given the OFC a solid understanding of the challenges facing applicants and the realities of Ontario's licensing processes.

*In this document, *licensing, registration, and certification* all refer to authorizing a person to practise a profession.

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MESSAGE FROM THE COMMISSIONER



About the Commissioner – Hon. Jean Augustine, PC, CM

A Member of the Order of Canada – in recognition of her "distinguished career as an educator, politician and advocate for social justice" – Jean Augustine was named as Ontario's first-ever Fairness Commissioner in 2007. Her empathy for the newcomers to the province provides a compassionate foundation for the work of the OFC. She herself came to Canada from Grenada in 1960. Her many accomplishments include being the first African-Canadian woman elected to the Parliament of Canada and then the first black woman to serve in a federal Cabinet. Her OFC appointment ends in March 2012.

In the four years since the Office of the Fairness Commissioner opened its doors, I have been heartened by what I have seen in Ontario's regulated professions. I believe most regulators are genuinely trying to ensure that their licensing requirements are fair and reasonable.

At the same time, our office has identified licensing problems that warrant continued vigilance and action. Every obstacle is significant. What seems like a minor problem can be a major concern for the people caught in the red tape. If an applicant faces a system that is too convoluted, confusing or expensive, the results can be devastating. Lives and families are needlessly disrupted, and in some sad cases irrevocably damaged.

Licensing, by definition, is a process-driven exercise. But we must never lose sight of the human toll when the system does not work effectively. We must also recognize that our entire community suffers when talented, skilled people cannot contribute to our economy.

We know licences are vitally important. After all, the professions that require them have a direct impact on people's well-being. And licences give the public a measure of security and accountability. Only qualified individuals should be allowed to practise in regulated professions. Our job is to make sure *all* qualified individuals get that opportunity.

I am proud of what we have accomplished so far. As this annual report shows, we have made tremendous progress in identifying where improvements can be made in the licensing system. I am also pleased by the cooperation of the regulatory bodies, which have been receptive to our advice and recommendations. Other jurisdictions are now following our lead. We are happy to share what we have learned, as we continue to build our expertise.

Hon. Jean Augustine, PC, CM
Fairness Commissioner, Province of Ontario

ONTARIO'S REGULATED PROFESSIONS

To get a licence in a regulated profession, a person must meet specific criteria. To ensure the highest possible standards, licensing processes are quite intense, and the licensing criteria include a mixture of education and practical experience.

In some cases, professionals coming to Ontario have already been trained in other jurisdictions, but they must prove they meet Ontario's standards before being registered to practise in the province.

In each profession, a regulatory body is authorized to set and enforce standards. The regulatory body oversees licensing, and sometimes works with outside organizations, such as qualifications assessment agencies, to help with the licensing process.

New Health Professions

Ontario has five newly regulated health professions: homeopathy; kinesiology; naturopathy; psychotherapy and mental health therapy; and traditional Chinese medicine and acupuncture.

The OFC is working with the regulatory bodies responsible for these professions, to ensure that their licensing systems are transparent, objective, impartial and fair right from the beginning.

FACTS AND FIGURES >

The Office of the Fairness Commissioner oversees the licensing practices of **40** Ontario regulatory bodies. By 2012, the OFC will also oversee licensing practices for **21** skilled trades.

There were **779,064** licensed professionals in Ontario in 2010, up **4%** from 2009.



109,366 – about
14% – of Ontario's
licensed professionals
were internationally
trained.

A total of
57,875 new
licence applications
were received in 2010.
Of those, **13,587**
came from international
applicants.

India, the **United States**
and the **Philippines** were
the top source countries
for applicants seeking
licences in Ontario
in 2010.



Following Ontario's Lead

Other jurisdictions continue to consult the Office of the Fairness Commissioner about the establishment of the office and about its work.

Counterparts to Ontario's Fairness Commissioner have been appointed in Manitoba, Quebec and Nova Scotia.

Representatives from Denmark, Australia and New York State have also contacted the OFC as they consider similar approaches to assessing and recognizing qualifications.

Commissioner meets with Frederik Thuesen of the Danish National Centre for Social Research, to discuss issues related to highly skilled immigrants.



SUCCESS TO DATE

The Office of the Fairness Commissioner is spearheading long-term, systemic, institutional change. This sort of transformation requires diligence over time. It must happen incrementally, building and reinforcing a culture of fairness, transparency and accessibility in all of the organizations involved in licensing.

So far, the OFC has made significant progress in three areas: identifying concerns about licensing, setting out recommendations for improvement (both within individual regulatory bodies and across all professions), and building a solid foundation for moving forward in licensing reform.

ACCOMPLISHMENTS

- Gathering, for the first time, hard data about licensing in Ontario's regulated professions.
- Underscoring the urgency of creating better, faster ways to verify that the qualifications of people educated in other places are comparable to Canadian standards.
- Requiring regulators to critically examine three facets of their licensing processes: their work experience requirements, how fast they make decisions, and the fees they charge applicants.
- Listening to applicants themselves – both domestically and internationally trained – by commissioning a study of their experiences in the licensing process.
- Surveying the agencies that assess qualifications for the regulated professions, to learn more about the fairness of their assessments.
- Issuing specific recommendations to regulators, governments, qualifications assessment agencies and applicants to help fix access to the professions.
- Encouraging bridging programs (programs that help internationally trained professionals “bridge the gap” between the education and experience they already have and what they need to get licensed in Ontario).
- Championing financial support for internationally trained professionals needing further education (such as a bridging or other program).
- Systematically comparing standards across five provinces for getting licensed in teaching, nursing, engineering, law, and medicine.
- Publishing a guide to help regulatory bodies reconsider their requirements for getting into their professions.
- Providing expert advice on licensing to new regulatory bodies.
- Developing a plan to foster long-term improvement in licensing.
- Developing a method, the first in Canada, for assessing the fairness of registration practices.
- Finding common ground with regulatory bodies and qualifications assessment agencies on the criteria for assessments, as the foundation for continuous improvement.

FOCUS ON IMPROVEMENT

The Office of the Fairness Commissioner has encouraged continual progress, resulting in *practical, real-life improvements* to licensing processes in many professions.

The changes removed unnecessary hurdles for applicants, through streamlined processes, better communication and improved support.

HIGHLIGHTS

- **Architects** reduced their admission course from five to three days, **reducing the cost** by half.
- **Dental Technologists** are working toward removing the need for **Canadian experience**, which is often difficult for internationally trained applicants to get.
- **Dietitians** proposed a new **class of certification**, allowing applicants to work in areas of demonstrated competence while completing further training.
- **Engineering Technicians and Technologists** started **automatic email notification** to inform applicants about their registration status in a timely way.
- **Geoscientists** introduced **online application and payment**; receipt is confirmed immediately via automated email.
- **Lawyers** stopped requiring **mandatory articling** for lawyers called to the bar in a common law jurisdiction who have at least 10 months of relevant legal experience.
- **Nurses** **harmonized language fluency** requirements with other jurisdictions across Canada.
- **Optometrists** **redesigned their website** to ensure that registration information, application packages and frequently-asked-questions are complete, easy to find and easy to understand.
- **Respiratory Therapists** explained how "good character" is evaluated, so that applicants **clearly understand** what is required.
- **Teachers** developed a **web-based application system**, enabling people from all jurisdictions and programs to apply online for certification.

STREAMLINED
PROCESSES

BETTER
COMMUNICATION

IMPROVED
SUPPORT



Labour Mobility and Fair Access

Federal and provincial laws were recently changed to streamline licensing of professionals across provincial/territorial boundaries. This is a major national issue, and the Office of the Fairness Commissioner has been actively involved in scrutinizing its impact on licensing in Ontario.

Since December 2009, the Ontario Labour Mobility Act, 2009 (OLMA) has helped to fast-track professionals from other provinces seeking licences in Ontario. The OFC recognized that this could potentially create a double standard: Ontario-trained professionals – and internationally trained professionals arriving in Ontario directly from abroad – might face a more rigorous process than people who were already licensed in another Canadian province.

- *The OFC has been working with Ontario regulators to ensure that implementation of the OLMA **aligns with fair access** to professions for applicants from all jurisdictions.*
- *In most professions, the **new rules are working** well.*
- *To date, the OFC has determined that the OLMA affects fair access for only two regulated professions: optometrists and psychologists. The **OFC has shared its concern** about these professions with the Minister of Health and Long-Term Care, and continues to monitor the situation.*





Research from Across Canada

In May 2010, the OFC published the results of the first-ever major research project on licensing requirements in other Canadian jurisdictions.

The study covered these requirements for teachers, nurses, engineers, lawyers, and physicians and surgeons in British Columbia, Alberta, Saskatchewan, Manitoba and Quebec.

This research enables the OFC to understand how licensing requirements in Ontario compare to those in other provinces, and informs its decisions about improvements and best practices.

With the help of a working group of regulators and qualifications assessors, OFC staff drafted a guide for assessing licensing practices.



THE RIGHT INFORMATION

To improve Ontario's licensing system, the Office of the Fairness Commissioner must have access to timely, accurate, relevant information from the regulatory bodies and their partners in the licensing process. Analyzing this information helps the OFC identify where action is needed.

GATHERING INFORMATION

Regulatory bodies submit three types of reports to the OFC. These reporting requirements for regulatory bodies are the first in Ontario's history. In addition to providing critical information to the OFC, they ensure greater accountability and analysis, and promote a culture of meaningful improvement throughout the regulated professions.

- **Fair Registration Practices Report –**

A yearly report describing a regulatory body's current licensing practices and its progress in meeting the requirements of Ontario's fair access laws.

- **Audit Report –** A report by an outside agency of its examination of a regulator's licensing practices. Audits help the OFC determine whether licensing is transparent, objective, impartial and fair.

From the fall of 2008 through the spring of 2010, one of the OFC's central thrusts was the auditing of all regulated professions. This first, three-year cycle is now complete. In the auditors' opinions, all regulatory bodies were complying with the law. However, they also made many recommendations for improvements.

In future, the Commissioner will require an audit only when she needs an in-depth look into specific licensing practices.

- **Entry-to-Practice Review Report –**

A report written by a regulatory body after it systematically reviews its licensing practices or its requirements for applicants. The review usually targets specific areas. *Voluntary* reviews (done at the regulatory body's own initiative) encourage continual reflection and improvement. The Commissioner will require a body to do a *mandatory* review when she determines that the body would benefit from examining its own licensing practices and requirements.

The OFC's new continuous improvement strategy will build on these reporting activities, leading to a new level of assessment and action.

BUILDING A BODY OF RESEARCH

Along with developing the reporting system described above, analyzing the resulting reports, and studying other jurisdictions (see facing page), the OFC has completed research about:

- the experience of applicants to the regulated professions in Ontario
- the practices of agencies that regulatory bodies in Ontario use to assess applicants' qualifications

Because of these resources, Ontario now has its first comprehensive body of research on regulatory bodies and their assessment partners.



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OUTREACH

The Commissioner and OFC staff routinely meet with stakeholders throughout Ontario to discuss the OFC's work. Recently, this outreach has expanded outside Ontario, as the Commissioner and staff have been invited to share their experience and expertise with other jurisdictions.

HIGHLIGHTS

- **May 2010** – Commissioner Jean Augustine speaks to the Canadian Race Relations Foundation in Montreal.
- **June 2010** – Commissioner speaks at the annual general meeting of Immigrant Services Calgary.
- **July 2010** – Executive Director Nuzhat Jafri gives keynote speech at the International Conference on Knowledge, Culture and Change in Organizations in Montreal. She speaks about incorporating personnel of diverse backgrounds, experiences and perspectives, noting that Canada is a leader in this area, with Ontario at the forefront.
- **September 2010** – Executive Director takes part in a panel on professional credentialing at the National Immigrant Integration Conference in Boston.
- **October 2010** – Commissioner briefs members of the provincial parliament (MPPs) and their staff about progress in improving access to regulated professions.
- **November 2010** – Commissioner speaks to the founding meeting of the Kingston Immigration Partnership Assembly, a gathering of 100 representatives of agencies, clients and community members. She discusses the OFC's work, larger issues around settlement and integration of newcomers in smaller and mid-sized communities, and how newcomers enhance these communities' prosperity.
- **February 2011** – Commissioner speaks in Ottawa at the first-ever meeting about francophone immigrants to Ontario.
- **March 2011** – Commissioner takes part in a workshop, Internationally Educated Immigrants: Steps Towards Their Successful Integration into the Canadian Labour Market, at the 13th national Metropolis conference in Vancouver.
- **March 2011** – Commissioner speaks at the Urban Alliance on Race Relations, to commemorate International Day for the Elimination of Racial Discrimination.

ONGOING VIGILANCE

The Office of the Fairness Commissioner works with regulatory bodies and other stakeholders to promote a climate of improvement.

A key component of the OFC's work is building on *Clearing the Path: Recommendations for Action in Ontario's Professional Licensing System*. Released in the spring of 2010, this document:

- outlines 17 specific recommendations to ensure that applicants in the regulated professions do not face unexpected or unreasonable hurdles in getting licensed in their respective fields

- sets out recommendations for regulatory bodies, qualifications assessment agencies, the provincial and federal governments, and applicants themselves

Aimed mainly at improving communication and coordination, the recommendations are practical and realistic, and would not require a lot of money.

The recommendations will be incorporated into the OFC's continuous improvement strategy.





Streamlining Physician Licensing – An Ongoing Effort

The Office of the Fairness Commissioner has identified complexity in the licensing of physicians as a major concern.

*In early 2010, the OFC recommended that the Ontario government convene the seven organizations involved in licensing doctors, to discuss ways to **ensure transparency** in their decisions, **eliminate duplication** across the licensing system, and **recognize equivalent training and experience** for physicians from other countries. Since then:*

- On June 28, 2010, the Ministry of Health and Long-Term Care convened such a meeting.*
- The Commissioner met with these organizations on November 29, 2010, and continues to spearhead progress toward improved physician licensing.*

The OFC is especially focused on pursuing alternatives to mandatory residency requirements. Many internationally trained physicians cannot meet this requirement because of limited residency spaces, preventing them from practising in Ontario despite doctor shortages in many communities.



2010-11 ADVICE TO GOVERNMENT

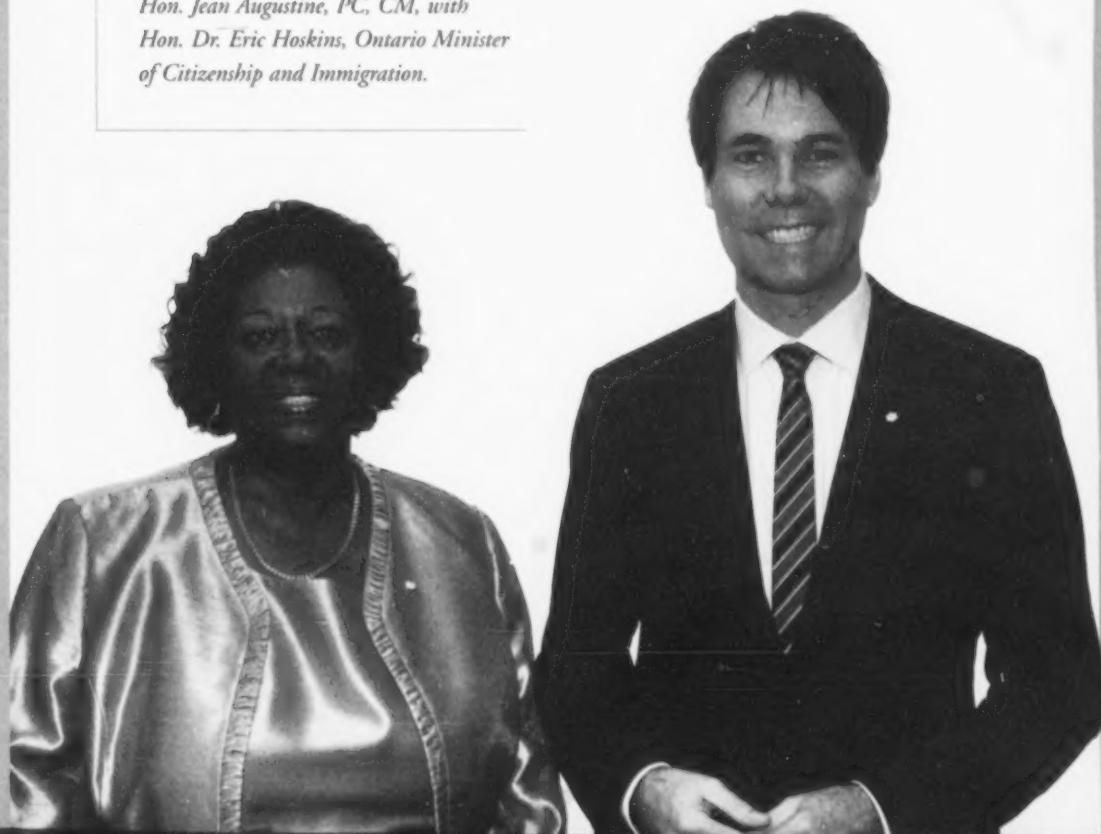
The Office of the Fairness Commissioner reports directly to the Ontario Minister of Citizenship and Immigration, to provide updates on fair access in the province's regulated professions.

The Commissioner also meets every year with the eight ministers responsible for regulated professions,* to draw attention to problems and progress in the regulatory bodies they oversee. The Commissioner also meets with the Minister of Training, Colleges and Universities, who is responsible for the new Ontario College of Trades and for improving labour mobility in Ontario.

Following are summaries of the Commissioner's updates to each minister, along with lists of the regulatory bodies reporting to the respective ministries.

*One regulatory body, the Ontario Association of Certified Engineering Technicians and Technologists, does not report to a Cabinet minister.

*Hon. Jean Augustine, PC, CM, with
Hon. Dr. Eric Hoskins, Ontario Minister
of Citizenship and Immigration.*





MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

College of **Veterinarians** of Ontario

Highlights of discussions with minister:

- College of Veterinarians is concerned that changes to labour mobility – especially the Quebec/France and Canada/Europe provisions that ease entry of certain internationally trained veterinarians to Canada – may result in lower licensing requirements.

MINISTRY OF THE ATTORNEY GENERAL

Ontario Association of **Architects**

Institute of **Chartered Accountants** of Ontario

Professional **Engineers** Ontario

Certified **General Accountants** of Ontario

Law Society of Upper Canada

Certified **Management Accountants** of Ontario

Highlights of discussions with minister:

- OFC believes that a law protecting the accounting titles used in Ontario (chartered, certified management, and certified general accountant) does *not* impede access to these professions.

- Regulatory bodies are taking measures to streamline licensing. For example:

- > Architects plan to reduce work experience requirements.
- > Management Accountants are waiving the degree requirement for applicants from the U.K. and Australia.

- Professional Engineers Ontario has proposed changing its licensing regulations related to the following: requirements for Canadian work experience; requirements for Canadian citizenship or permanent resident status; a national framework for licensure; and certificates of authorization.

MINISTRY OF CHILDREN AND YOUTH SERVICES

College of **Early Childhood Educators**

Highlights of discussions with minister:

- College of Early Childhood Educators is upgrading its registry system. This will reduce the processing time for applications from several months to four-to-six weeks.

2010-11 ADVICE TO GOVERNMENT

(CONT'D)

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

Ontario College of **Social Workers
and Social Service Workers**

Highlights of discussions with minister:

- College of Social Workers and Social Service Workers signed a formal agreement with World Education Services (WES), which assesses academic credentials, to take advantage of WES expertise. The college absorbs applicants' WES fees.

MINISTRY OF EDUCATION

Ontario College of **Teachers**

Highlights of discussions with minister:

- College of Teachers is enhancing its website by launching an online application system and is improving telephone customer service for applicants.

MINISTRY OF HEALTH AND LONG-TERM CARE

College of **Audiologists and
Speech-Language Pathologists** of Ontario

College of **Chiropodists** of Ontario

College of **Chiropractors** of Ontario

College of **Dental Hygienists** of Ontario

Royal College of **Dental Surgeons** of Ontario

College of **Dental Technologists** of Ontario

College of **Denturists** of Ontario

College of **Dietitians** of Ontario

College of **Homeopaths** of Ontario

College of **Kinesiologists** of Ontario

College of **Massage Therapists** of Ontario

College of **Medical Laboratory Technologists**
of Ontario

College of **Medical Radiation Technologists**
of Ontario

College of **Midwives** of Ontario

College of **Naturopaths** of Ontario

College of **Nurses** of Ontario

College of **Occupational Therapists** of Ontario

College of **Opticians** of Ontario

College of **Optometrists** of Ontario

Ontario College of **Pharmacists**

College of **Physicians and Surgeons** of Ontario

College of **Physiotherapists** of Ontario

College of **Psychologists** of Ontario

College of Registered **Psychotherapists** and
Registered **Mental Health Therapists** of Ontario

College of **Respiratory Therapists** of Ontario

College of **Traditional Chinese Medicine
Practitioners and Acupuncturists** of Ontario

Highlights of discussions with minister:

- OFC reinforced the need for action regarding allegations of unfair assessment practices at the College of Denturists, and the minister agreed.

- OFC also expressed concerns about issues in three other professions:

- > Optometrists – the plan to eliminate a bridging program at the University of Waterloo without offering an alternative, and the plan to prohibit internationally trained ophthalmologists from applying to be licensed as optometrists
- > Physicians and Surgeons – the complexity of the process to license physicians (especially international medical graduates), and the pace of change in this area
- > Psychologists – the proposal to require all applicants to have a PhD, eliminating access to the profession for people with master's degrees

- OFC updated the minister on its progress with the councils of the five new health regulatory colleges in facilitating fair licensing practices. (See "New Health Professions" on page 2.)

MINISTRY OF NATURAL RESOURCES

Ontario Professional **Foresters** Association
Association of Ontario **Land Surveyors**

Highlights of discussions with minister:

- Both regulatory bodies have clearly identified the steps required to get licences in Ontario.

MINISTRY OF NORTHERN DEVELOPMENT, MINES AND FORESTRY

Association of Professional **Geoscientists**
of Ontario

Highlights of discussions with minister:

- From anywhere in the world, applicants for a geoscientist licence can now complete the licensing application and pay all application fees online.

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES

[As of 2012] Ontario College of **Trades**

Highlights of discussions with minister:

- Ontario College of Trades becomes fully operational in 2012. OFC is monitoring the development of this college, and is planning to work with it to ensure that licensing in the skilled trades will be transparent, objective, impartial and fair.
- The Commissioner recommended that this ministry, which is responsible for student aid, provide financial help to internationally trained professionals who must upgrade their education and training to become licensed professionals.

FINANCIAL STATEMENT

Statement of Revenues and Expenses

Year Ended March 31, 2011

	2011	2010
Revenues		
Ministry of Citizenship and Immigration	\$ 1,689,900	\$ 1,689,900
Interest income	5,907	849
Sundry income	26,404	-
	<hr/> 1,722,211	<hr/> 1,690,749
Expenses		
Salaries, wages and benefits	1,053,473	1,084,310
Services	313,759	436,929
Office administration	125,546	108,080
Transportation and communications	53,009	41,932
Amortization	12,011	13,757
	<hr/> 1,557,798	<hr/> 1,685,008
Excess of revenues over expenses	<hr/> \$ 164,413	<hr/> \$ 5,741

Notes to Financial Statement

1. Significant accounting policies

Significant accounting policies followed in the preparation of this financial statement are:

a) Revenues

Funds provided by the Ministry of Citizenship and Immigration are recognized in the year in which they are received.

b) Management estimates

The presentation of financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of revenues and expenditures during the reported period. Actual amounts could differ from these estimates.

2. Commitments

The Office has committed \$160,000 for leasehold improvements which will be completed in the next fiscal year.

Full audited financial statements are available on the OFC website or by contacting the OFC.

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The Office of the Fairness Commissioner is an arm's-length agency of the Ontario government, established under the Fair Access to Regulated Professions Act, 2006. Its mandate is to ensure that certain regulated professions have registration practices that are transparent, objective, impartial and fair.



"As a result of our work, qualified individuals will know Ontario as a place where their training and qualifications are the only criteria for practising their profession. They will have the opportunity to work to their full potential, achieve personal goals, and make immediate and meaningful contributions to building our province."

Hon. Jean Augustine, PC, CM
Fairness Commissioner
Province of Ontario



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